IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15891 of 2005

Between:

G. Rajini d/o G. Chinnaiah, Aged: about 23 years, Occup: Unemployee r/o Gundal Samudram, Marripadu Mandal, Prakasham district.

..... PETITIONER

AND

1. District Collector, Prakasam district, Ongole.

2. Revenue Divisional Officer, Kandukur, Prakasam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the order in D.Dis.CS2/5476/2003 dated 08-07-2005 of the 1st respondent insofar it directs the 2nd respondent to call for fresh notification inviting applications for filling up the post of Fair Price Shop of Gundla Samudram village, Marripadu Mandal, Prakasam district as illegal, arbitrary and unjust and consequently direct the 2nd respondent to consider the case of the petitioner for appointment of Fair Price Shop dealer of Gundlasamudram, Marripadu Mandal, Prakasam district by issuing appropriate writ of Mandamus.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondent Nos. 1 & 2: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

Oral order:-

The short and singular grievance in this writ petition is against the revisional order of the 1st respondent dated 08-07-2005 to the extent that the 1st respondent had directed the 2nd respondent to call for a fresh notification

inviting applications to fill up the vacancy of a fair price shop dealer in Gundal Samudram, Marripadu mandal, Prakasham district after affording an opportunity to all eligible candidates for applying. The petitioner, one Smt. P. Ananthamma and several others applied for grant of authorization for the Gundal Samudram fair price shop responding to a notification issued by the Revenue Divisional Officer concerned dated 19-05-2000. The relevant legal architecture required the possession of a 10th class qualification for grant of authorization. As Smt. P. Ananthamma, who was granted the authorization, did not have the 10th class qualification, the petitioner, who lost out to Smt. P. Ananthamma, preferred an appeal to the Joint Collector and unsuccessfully. She carried the matter further, by way of revision, to the 1st respondent. By the impugned order dated 08-07-2005, the 1st respondent categorically found that Smt. P. Ananthamma was not qualified for grant of authorization, but however, directed the 2nd respondent to issue a notification afresh, as five years period had elapsed since the earlier notification issued in the year 2000.

The grievance of the petitioner appears to be that the petitioner should have been considered pursuant to the applications received consequent on the earlier notification of the year 2000. She is further aggrieved that if a fresh notification is issued, she would have to compete afresh and also against other persons, who would have meanwhile qualified and might apply. The order of the 1st respondent calling for a fresh notification in the context of Smt. P. Ananthamma's disqualification is a decision eminently within the discretionary spectrum of the 1st respondent's revisional jurisdiction. There is neither any perversity nor illegality that vitiates the impugned order, warranting interference in the writ petition. There are no merits in the writ petition. Accordingly, the writ petition is dismissed. No costs.

_____

GODA RAGHURAM, J

Dt. 22-07-2005

Pvks/*

To

1. The District Collector, Prakasam district, Ongole.

2. The Revenue Divisional Officer, Kandukur, Prakasam district.

3. 2 CCs., to the learned Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad (OUT).

4, 2 CD copies.

5. 1 CC to Mr. M.V. Suresh Kumar, Advocate

Form-NIC-OGS/WP{ }